

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RECEIVED

APR 11 2007

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and  
EDWARD FLEMING,

Defendants.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

**PLAINTIFF'S RESPONSE TO  
DEFENDANTS' MOTION FOR JUDGMENT**

Plaintiff, Renee M. Butz, hereby responds to Defendants' Motion for Judgment on the pleadings as follows:

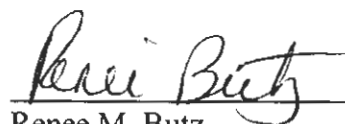
1. Where *pro se* plaintiffs seek to institute legal proceedings before the United States District Court, the Court provides pre-printed complaint forms. Plaintiff herein bears no responsibility in the drafting of such forms – only in the completion of designated “fill in the blanks”. The Court form must past muster to state a Title VII claim since the forms are drafted by the Court. The Court pre-printed complaint form also requires that the underlying charge of discrimination filed with the applicable agency be attached to the preprinted form in further support of stating a Title VII claim. (D.I. 2 and D.I. 19).

2. Furthermore, Plaintiff's receipt of a Right to Sue Letter from the Equal Employment Opportunity Commission suggests that her claims of discrimination as stated in the Complaint may have merit.

3. Defendants argue that individual Defendant Edward Fleming is not subject to Title VII liability because he cannot be considered an "employer" under Sec. 2000e(b). The defendants, however, do not address the issue of whether Defendant Fleming could be considered to be an agent of Defendant Lawns Unlimited Ltd. so as to expose Defendant Fleming to Title VII liability. Although the Complaint does not refer to Fleming as the owner of the business and supervisor of plaintiff's work duties, the supporting materials to the Complaint such fact.

4. Although plaintiff's original Complaint and Amended Complaint do not specifically refer to Defendant Fleming as an agent of Lawns Unlimited Ltd., the plaintiff should not be precluded from pursuing that theory for failing to so specify. Title VII's provisions should be construed liberally, see *Harvey v. Blake*, 913 F.2d 226 (5<sup>th</sup> Cir. 1990), especially in this case where a *pro se* plaintiff may not have mastered the technicalities of the statute. See *Platsky v. Central Intelligence Agency*, Civ. No. 91-6109, 2<sup>nd</sup> Cir. Slip Op. at 421 (November 25, 1991)(district courts must construe *pro se* complaints liberally.)

WHEREFORE, plaintiff prays this Court to DENY defendants' Motion for Judgment on the Pleadings.



Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff pro se

Dated: 4/9/07

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RENEE M. BUTZ,

Plaintiff,

v.

LAWNS UNLIMITED LTD. and  
EDWARD FLEMING,

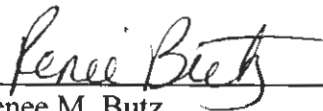
Defendants.

Civ. No. 05-495-JJF  
Judge Joseph J. Farnan Jr.

AFFIDAVIT OF SERVICE

I hereby affirm that a true and correct copy of the foregoing Response to Defendants' Motion for Judgment was sent by email and by first-class United States mail, postage duly paid, on this 9 day of April, 2007, to the following:

Margaret M. DiBianca  
Young Conaway Stargatt & Taylor, LLP  
Post Office Box 391  
Wilmington, DE 19899-0391  
[mdibianca@ycst.com](mailto:mdibianca@ycst.com)

  
\_\_\_\_\_  
Renee M. Butz  
58 Hickory Drive  
North East, MD 21901  
(410) 441-4300  
Plaintiff pro se

Dated: 4/9/07



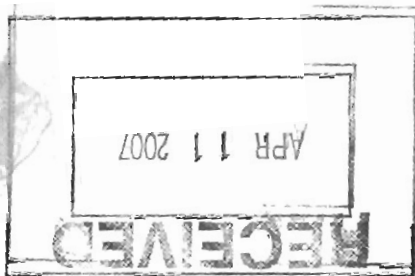
U.S.M.S.  
X-RAY



Ms. Rence M. Butz  
58 Hickory Dr  
North East, MD 21901



US District Court  
Judge Joseph J Farnen Jr  
844 W. King Street  
Wilmington DE 19801



19801\$3519 0012

